

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED for
Rice
NOV 24 2009
JOHN R. GORDON, CLERK
BY HMcDonald
DEPUTY CLERK

In accordance with the memorandum opinion entered this day, it is now

ORDERED

that petitioner's petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice as successive and this action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the petitioner.

ENTER: This 24th day of November, 2009.

Jackson Lise
Senior United States District Judge